13 June 2002

Original: English

Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council

Principal elements of proposals concerning (a) decision-making in the Security Council, including the veto (sect. I), (b) expansion of the Security Council (sect. II), and (c) the periodic review of an enlarged Security Council (sect. III)

Conference room paper submitted by the Bureau of the Working Group*

I. Introduction

This conference room paper is a revised version of the conference room papers published as annexes XIII and XIV of last year's Working Group report (A/55/47). Those two annexes, which are merged here into a single annex, sought to identify principal elements of the proposals contained in sections I, II, and III of annex XI of the report of the Working Group to the General Assembly at its fifty-fourth session (A/54/47).

II. Principal elements of proposals made with reference to "Decision-making in the Security Council, including the veto"

A. The veto as a voting instrument in the Council

1. Proposals not necessarily requiring Charter amendment

(a) Proposals to leave the veto in its present form

The veto in its present form should be maintained.

* Previously issued as annexes XIII and XIV of document A/55/47 (*Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 47* (A/55/47)).

02-42227 (E)

(b) Proposals to preclude use of the veto or to curtail use of the veto

(1) Permanent members of the Council should exercise restraint in resorting to the veto.

(2) Every endeavour should be made to arrive at consensus decisions in the Council so that the veto need not be used.

(3) A veto should only be exercised when the question is of vital importance to the United Nations as a whole.

(4) If a veto is used, a written explanation of the reason for the veto should be given and also provided to the General Assembly.

(5) Permanent members should commit themselves not to use the veto except for matters under Chapter VII of the Charter.

(6) The General Assembly should urge permanent members not to use the veto except for matters under Chapter VII of the Charter.

(7) What constitutes "procedural" matters, in terms of Article 27, paragraph 2, of the Charter, should be established by an updating of the annex to General Assembly resolution 267 (III) *and* should be applied by the Council.

(8) Permanent members of the Council should make unilateral or collective commitments not to use the veto.

2. Proposals requiring Charter amendment

(a) Proposals to eliminate the veto

The veto should be eliminated.

(b) Proposals to curtail the veto

(1) Article 27 of the Charter should define more clearly where a veto is permissible.

(2) The veto should be initially curtailed with a view to eventual elimination.

(3) Limitation of the veto to actions under Chapter VII of the Charter — relevant Articles of the Charter to be appropriately amended.

(4) More than one negative vote (of permanent members) to be required for exercise of a veto.

(5) Exercise of a veto to be subject to General Assembly action.

B. Number of affirmative votes required for decisions in an enlarged Council

(1) The number of affirmative votes required for decisions in the Council should remain, as at present, around 60 per cent.

(2) If 60 per cent of affirmative votes is required for decision, then the number of votes required in an enlarged Security Council would be as follows:

In a Council of 20, it would be 12;

In a Council of 21, it would be 13;

In a Council of 24, it would be 14;

In a Council of 25, it would be 15; and

In a Council of 26, it would be 16.

III. Principal elements of proposals made with reference to "Expansion of the Security Council"

A. Proposals of a general nature

1. Proposals for enlargement of Council in permanent and non-permanent membership

(1) Enlargement of the Council should enable inclusion of both new permanent members and new non-permanent members from developed/industrialized and developing countries.

(2) The concepts "industrialized countries", "developed countries" and "developing countries" should be clearly defined.

(3) Enlargement in permanent and non-permanent membership should be considered together.

(4) The current ratio of permanent and non-permanent seats should not be altered to the detriment of the non-permanent seats.

2. Proposals for enlargement of Council in non-permanent membership only, for the time being

If there is no agreement on enlargement of other categories of membership, there should only be, for the time being, enlargement of the non-permanent membership.

3. Proposals for enlargement of Council in non-permanent membership only

(1) There should be enlargement only in non-permanent membership.

(2) An enlarged Council should only include additional non-permanent members based on the principle of sovereign equality of States, and equitable geographical distribution.

B. Proposals of specific numbers for enlargement of Council

1. Specific numbers proposed

The enlarged Council should consist of

20 members

21 "

22 "

23 "

24 "

25 "

26 "

30 "

2. Range of numbers proposed

The enlarged Council should be:

From 15 to 24

From 24 to 26

No greater than 25

At least 26

C. Increase in permanent membership of Council

1. Proposals for permanent seats for: a particular region, a particular group of States or particular countries

(1) Africa should be allocated no less than two permanent seats according to decisions of the group of African States.

(2) A permanent seat should be allocated for the group of Arab States, the seat to rotate among Arab States in accordance with the practice of the League of Arab States.

(3) Two permanent seats should be allocated to Asia for decision of the Asian group in accordance with the system of rotation to be established by a working group formed for the purpose.

(4) One permanent seat should be allocated for the European Union.

(5) There should be two new permanent seats created for Germany and Japan as industrialized States.

2. Proposals for enlargement of permanent membership of the Council

(1) Five additional permanent seats: designated by two-thirds majority vote in the General Assembly — preferably on a regional basis taking account of equitable geographical distribution and capacity to contribute to peacekeeping operations.

(2) Five additional permanent seats:

- One to developing States of Africa;
- One to developing States of Asia;
- One to developing States of Latin America and the Caribbean;
- Two to industrialized States.

(3) Each developing region to be allocated two (regional) seats. Regional mechanism to determine allocation of seats within region.

As regards permanent regional representation, it is not precluded that a region may determine its own selection, prior to election by the General Assembly.

(4) One additional permanent seat to five regional groups (except Western European and others) — present five permanent members unchanged. Two additional financial permanent members.

(5) Each of five regional groups would have two permanent seats — present five permanent members (except United States) to be included in their regional groups. Three additional financial permanent members (including United States).

(6) Five additional permanent seats:

- One to each regional group in the United Nations (except Western European and Others);
- Two additional financial permanent members.

D. Extension of the veto to new permanent members

1. Question whether veto should be extended

(1) New permanent members should have the same prerogative and powers of current permanent members.

(2) The veto should not be extended to new permanent members.

(3) New permanent members should:

(a) Indicate willingness to be permanent members without the veto;

(b) Agree not to exercise the veto until a periodic review of the enlarged Security Council has taken place.

2. When should question of extension of the veto to new permanent members be considered?

(1) Extension of the veto to new permanent members should be considered at the end of agreement on the reform package.

(2) Extension of the veto to new permanent members should be considered only in the context of curtailment of veto use by the current permanent members.

(3) A decision on the extension of the veto to new permanent members should be taken once they have been elected.

(4) A high-level Working Group should consider the question of the extension of the veto to new permanent members. During the interim period, new permanent members will not individually exercise the veto and the concurring vote of a specified number (e.g. four out of five) will be required for Security Council decision on matters, not procedural under Chapter VII of the Charter.

E. Increase in non-permanent membership

1. Reference in proposals to general criteria for enlargement of non-permanent membership

(1) Increase in non-permanent membership should take into account candidates from developing countries and industrialized States.

(2) When additional non-permanent seats are distributed, no national or regional group should be discriminated against.

(3) Every regional group should be allocated at least to one additional non-permanent seat in the enlarged Council.

(4) A reasonable balance between the number of permanent and non-permanent seats should be maintained and would enhance the representativity and equitable geographical distribution of the Council.

(5) Retiring non-permanent members of the Council should be eligible for immediate re-election.

2. Allocation of non-permanent seats among regions

(1) Every regional group should be allocated at least one additional non-permanent seat.

(2) There should be an increase in both permanent and non-permanent categories. There should be four additional non-permanent seats as follows:

One for Africa;

One for Asia;

One for Latin America and the Caribbean;

One for Eastern Europe.

(3) Four new non-permanent members should be elected as follows:

One for Africa;

One for Asia;

One for Eastern Europe;

One for Latin America and the Caribbean.

3. Allocation of non-permanent seats to one particular region or to one group of States

- There should be five non-permanent seats for Africa.
- There should be one additional seat for Eastern Europe.
- There should be two non-permanent seats for the group of Arab States.

4. Some States to participate more frequently as non-permanent members

(1) There should be five additional (long-term, 6 to 12 years) non-permanent seats to be chosen by the General Assembly, with retiring members eligible for re-election.

The other 10 non-permanent seats would continue as at present.

(2) If two additional seats for permanent members are created, the number of non-permanent members should be increased by eight as follows:

Two seats for Africa;

Two seats for Asia;

Two seats for Latin America and the Caribbean;

One seat for Western Europe and Others;

One seat for Eastern Europe.

If there are eight new non-permanent seats (additional to the present 10 non-permanent seats), each seat could "rotate" among three or four States enabling — (24 to 32) countries that make a substantial contribution to peacekeeping activities and United Nations financing and represent the majority of the world's population — to assume greater responsibility in implementing the Charter.

(3) Ten new non-permanent seats should be added. For each of these seats, three States would be rotating, making a total of 30 States. Consequently, each of them would remain two years on, and four consecutive years off, the Council. These 30 States, which therefore would rotate more frequently and regularly than others, should be selected on the basis of objective criteria to be determined by the General Assembly.

(4) The number of non-permanent members should be increased from 10 to 15. The additional five non-permanent members could have a long term (between 6 and 12 years, for example) and be chosen by the General Assembly by a simple majority. Retiring members would be eligible for immediate re-election. The other 10 non-permanent members would continue to be elected by the General Assembly for a period of two years. They would not be eligible for immediate re-election at the end of their terms.

(5) States with strength and influence in international relations and the capacity and the will to make a significant contribution to the purposes of the United Nations should participate more frequently in the Council.

IV. Principal elements of proposals made concerning the periodic review of an enlarged Security Council

A. Scope and necessity for periodic review

1. A periodic review of the structure and functioning of the Security Council is necessary.

2. A review of the Security Council is unnecessary.

3. If there are no additional permanent members, a review would not be necessary.

4. Issues within the mandate of the Open-ended Working Group should be subject to periodical review every 10 to 15 years.

5. The review process should take into account all aspects of reform: status of new permanent members, question of the veto, accountability and representation of regions in the Security Council.

6. The review should not cover the original five permanent members.

B. Timing of review

1. A review should take place every 10 to 15 years.

2. The first review should take place 10 to 20 years after the current reform exercise, and thereafter every 10 to 12 or 15 to 20 years.

3. The review should be automatically included in the agenda of the General Assembly and concluded within two years.

C. Decision-making in the course of a review

1. The review should not be subject to the veto.

2. The continuance of new permanent members would be dependent on the support of a two-thirds majority of the United Nations membership.

3. New permanent members should continue unless otherwise decided by a two-thirds majority of the United Nations membership.